

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EQUAL OPPORTUNITY DIVISION

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LEORA E. BLACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Barbara A. Planck,
Plaintiff

V. CIVIL ACTION NO 2:06CV543-MHT
(WO) - AMENDED

Donald H. Rumsfeld
Secretary,
Department of Defense
(Defense Contract Management Agency).
Defendant(s)

COMPLAINT

1. Plaintiff resides at 1119 County Road 513, Midland City, Alabama, 36350.
2. Defendant(s) Name(s) Donald H. Rumsfeld, Secretary, Department of Defense, Defense Contract Management Agency.

Location of principal office(s) of the named defendant(s) 6350 Walker Lane, Suite 300, Alexandria, VA 22310-3241.

Nature of defendant(s) business Defense Contract Management.

Approximate number of individuals employed by defendant(s) 5,000(?).

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. S 2000e-5. Equitable and other relief are also sought under 42 U.S.C S 2000e-5(g).
4. The acts complained of in this suit concern:
 1. ___ Failure to employ me.
 2. ___ Termination of my employment.
 3. X Failure to promote me.

4. Failure to promote me. Two promotions were available during my employment, an Intern Position for a Quality Assurance Specialist at DCMA Ozark, which I was found qualified for at the 5,7, 9, 11 level in approximately June 2001. I was never interviewed for this position, even though I made the list. The promotion was given to a male contractor employee by the recommendation of Mr. Roy Roberts. This was pure nepotism and personal favoritism demonstrated by management. There was no female Quality Assurance Specialist at DCMA Ozark. Because of this choice, this person was not allowed to even work at DCMA Ozark, the contractor refused to allow their former employee to even be on the property.

b. A second position when I competitively applied for the position of Safety and Occupational Health Specialist, GS-0018, located at Birmingham, Alabama under JOA DCMA-00-1558, approximately January 2000. I was found qualified for this position also. This position would have placed me back into the area I obtained a degree in, and as noted on my SF-52 my career field was in Industrial Hygienist. Plus would have allowed our family to be reunited as my husband was working in Anniston, Alabama, and I was here in Dothan with the children. We both had requested hardship reassignments but these requests were ignored, even though DCMA had granted hardship assignments to males to be with their family. I was qualified for this job! Because I had previously filed an EEO complaint due to my Permanent Change Of Station Move, I suffered reprisal as I was within the protected group as stated in my EEO complaints.

5. X Other acts as specified below: I was not aware that an agency may pick and choose allegations, but must consider the complaint in its entirety in order to determine the claim or claims raised. Reference EEO complaints filed in April 23, 2001 and September 29, 2001 and March 4, 2002. In dismissing my original EEO complaints, the agency ignored my complaints alleging violation under the Equal Pay Act, Age Discrimination, Performance Award, accurate Position Description since my hiring date of June 1999 and continued till my departure on December 31, 2002.

- (a) The agency ignored the processing of my EEO complaints. I filed in April 23, 2001 and September 29, 2001 and March 4, 2002. I received the agency's final decision on September 30, 2005. Four years the agency ignored my complaint. The agency picked and choose which complaints they would consider. This is improper.

- (b) I was also subjected to discrimination because of my race, color, age, sex, and reprisal, when in September 2001; I was denied a performance award. During this rating period, January 1, 2000 to December 31, 2000. I performed numerous duties above the GS-6, Management Assistant position. The agency stated in their final decision I was no longer employed by DCMA. Excuse of my operation and not being at work, while a male employee took a substantial amount of time off to care for his wife, and he still received award. Management made note the awards given at this time were On-the-spot awards, Performance Awards were also issued.
- (c) At the mediation meeting held in April 2004, DCMA offered me a settlement of \$650.00 for a performance award for the September 2001 rating period. At the mediation, none of the other claims in my original EEO complaints were brought to the table for discussion.
- (d) Second Count - I am also requesting relief by bringing an ADA retaliation claim against my supervisors, Mr. Caldwell, MAJ Busch, MAJ Grisby, and DCMA. This is because Section 503(a) of the ADA makes it unlawful for a "person" to retaliate against an individual for engaging in protected activity, timeframe October 1999 and continued till December 2002.
- (e) I was subjected from June 1999 to December 2002 because of the agencies improper and unwarranted personnel actions resulting in the withdrawal or reduction of pay for their actions against me. I am asking for relief of all allowances and differentials to be made whole under the authority of the Back Pay Act. The Back Pay Act also specifically provides for the payment of interest.

5. Plaintiff is:

A. ☒ Not presently employed by the defendant. The dates of employment were June 7, 1999 - December 31, 2002.

- (1) ☐ Plaintiff was discharged.
- (2) ☐ Plaintiff was laid off.
- (3) ☒ Plaintiff left job voluntarily.

- Since I was engaged in a protected activity and suffered retaliation, retaliation for EEO complaints, denial of promotions, equal pay; I am asking for relief for the wrong doings and broken promises of a promotion by management, August 2001 to December 2002. This is why I left the agency.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. ☒ My race.
- B. ☒ My religion.
- C. ☒ My sex.
- D. ☐ My national origin.
- E. ☒ Other, as specified below: I was referred to as the Yankee. I was reminded numerous times that we don't do things like that down here. Same agency, same rules and regulations should be followed this humiliation began in June 1999 and continued to December 2002.

(a) I was threatened not to ask questions. My supervisor stated that I had burned my bridges. This statement was directed to me in September 2001 during my discussion with Mr. Caldwell regarding my position description and awards.

(b) Performing higher graded duties was "other duties as assigned. Employers should not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. This began in June 1999 and continued to December 2002.

(c) Relief under The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. This was not practiced with my position. Relief under the Equal Pay act from June 1999 to December 2002.

7. The name(s) race, sex, and position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are): George Caldwell, Black, Male, Contracts Operations Supervisor, Major Steven Busch, White, Male, Commander, Defense Contract Management Command, Ozark, Major Robert Grigsby, White, Male, Commander, Defense Contract Management Command, Birmingham. Relief from June 1999 till December 2002.

8. The alleged discrimination began upon my hiring in Dothan in June 1999, and continued upon my departure on December 31, 2002. The alleged illegal activity took place at DCMA PEMCO, Dothan, and DCMA-Ozark, 1101 Valentine Street, Extension, Ozark, Alabama, 36360.

9. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s) alleged discriminatory conduct on or about September 2001. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. This letter was received on April 6, 2006.

12. I seek the following relief:

- A. ☒ Recovery of back pay.
- B. ☐ Reinstatement to my former job,
☒ and any other relief as may be appropriate,
including injunctive orders, damages, costs, and attorney's fees.

Date: 6/26/06

Barbara A. Plunk

Signature of Plaintiff
1119 County Road 513,
Midland City, Alabama, 36350
(334) 795-0397